

## **II. REMARKS/ARGUMENTS**

### **A. Summary of the Amendments**

The application still contains 29 claims.

Claim 10 has been amended to replace “and” with “or”. Claim 18 has been amended in order to correct a minor typographical error and to replace “and” with “or”. No new matter has been added by way of these amendments.

### **B. Summary of Rejection and Reply**

#### **Claim Objections**

In the Office Action, the Examiner has objected to claim 18 because it “is different from the previous claim 18”. Specifically, the Examiner indicates that claim 18 now recites “hydrated” although it had previously recited “dehydrated”. Claim 18 has been amended to correct this typographical error, to read “dehydrated”, and has further been amended to replace “and” with “or”.

#### **Claim Rejections under 35 USC §102**

In the Office Action, the Examiner has rejected claims 1-15, 17-24 and 45-50 under 35 USC §102(e) as being anticipated by U.S. Patent 6,287,340 (hereafter to be referred to as “Altman”).

For the reasons presented below, Applicants respectfully traverse the Examiner’s rejection, and submit that independent claim 1, as it currently stands, is in allowable form.

For ease of reference, the Examiner's attention is respectfully directed towards independent claim 1, and in particular the sections shown in bold:

An implant for connective tissue substitution in an animal, said implant comprising:  
(a) a pair of bone anchors;  
(b) at least one support filament joining said bone anchors at their proximal ends, said bone anchors having been joined with said support filament *ex vivo*; and  
(c) **at least one matrix layer coating said support filament**, wherein said matrix layer is in contact with said bone anchors;  
**wherein said matrix layer is of sufficient thickness to allow for colonization by a cell and wherein said matrix layer is dehydrated or lyophilized prior to implantation.**

Applicants respectfully submit that Altman does not disclose, teach or suggest the invention as claimed in independent claim 1, and respectfully submit the following.

In the Office Action, the Examiner argues that Altman discloses "a cylindrical 3-dimensional matrix formed of collagen gel" and that this subject matter is considered to be analogous to the "support filament" of instant claim 1. With regard to the "matrix layer" recited in instant claim 1, the Examiner argues that this element is analogous to "materials such as laminin, fibronectin, or factors containing arginine-glycine-aspartate peptides...attachment" described in Altman as a possible material for "infusing" (e.g. coating) the "anchor material" (column 5, lines 37-45 of Altman). In summary, the Examiner's comments appear to suggest the following:

Element of instant claim 1	Alleged analogous subject matter described in Altman
"support filament"	"cylindrical 3-dimensional matrix formed of collagen gel"
"matrix"	"laminin, fibronectin..."

Taking into consideration the just noted interpretation, Applicants respectfully submit that “laminin, fibronectin...” noted in Altman is not analogous to the “matrix” of instant claim 1 for the following reasons.

Firstly, Altman does not disclose or suggest that “laminin, fibronectin...”, is in the form of a coating which is “of sufficient thickness to allow for colonization by a cell” as recited in respect of the “matrix layer” of instant claim 1.

Secondly, Altman does not disclose or suggest that “laminin, fibronectin...” is “dehydrated or lyophilized prior to implantation” as recited in respect of the “matrix layer” of instant claim 1.

Thirdly, Altman does not disclose or suggest that “laminin, fibronectin...” coats the “cylindrical 3-dimensional matrix formed of collagen gel” which is considered analogous to the instant “support filament” according to the above interpretation. Rather, Altman discloses that “laminin, fibronectin...” may possibly coat the “anchor material”. Indeed, the suggested materials are proposed to “enhance anchor attachment” (column 5, line 47 of Altman). Therefore, Altman does not disclose or suggest “at least one matrix layer coating said support filament” as recited in instant claim 1.

In view of the above, Applicants respectfully submit that “laminin, fibronectin...” described in Altman are not analogous to the “matrix layer” recited in instant claim 1. Therefore, Altman does not disclose the subject matter of claim 1, even under the interpretation noted above.

As per §2131 of the MPEP, in order “to anticipate a claim, the reference must teach every element of the claim”. Since Altman does not teach every element of independent claim 1, Altman does not support a rejection based on anticipation. Accordingly, Applicants respectfully submit that claim 1 is novel

over Altman and respectfully request that the rejection of independent claim 1 be withdrawn.

Claims 2-15, 17-24 and 45-51 depend from independent claim 1, and as such incorporate by reference all the limitations contained therein. Therefore, for the same reasons as those presented above with respect to independent claim 1, Applicants respectfully request that the rejection of dependent claims 2-15, 17-24 and 45-51 be withdrawn.


### **CONCLUSION**

It is respectfully submitted that claims 1-15, 17-24 and 45-51 are in condition for allowance. Reconsideration of the rejections and objections is requested. Allowance of claims 1-15, 17-24 and 45-51 at an early date is solicited.

It is believed this responds to all of the Examiner's concerns, however if the Examiner has any further questions, she is invited to contact the undersigned. Further, If the Examiner does not consider that the application is in a form for allowance, an interview with the Examiner is respectfully requested.

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Date

Respectfully submitted,  
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